

Parwez Alam, Leon County Administrator

Florida Construction Business Alliance
200 W. College Avenue, Suite 205. Tallahassee, Florida 32301

April 4, 2005

Honorable Cliff Thael, Chairman
Leon County Commission
301 South Monroe Street
Tallahassee, FL 32301

Re: Request for Proposals (RFP) for Construction Management Services for Phase 1 Renovations in the Bank of America; RFP # BC-02-23-05-28

Dear Commissioner Thael:

On behalf of the Florida Construction Business Alliance (FCBA), Inc., an organization comprised of local businesses and organizations dedicated to insuring fairness and equity for minority-owned businesses in both the public and private contracting arenas, I would like to convey our concerns relative to the recommendation of the award to the firm of Peter R. Brown Construction, Inc. on the above referenced project. It is our understanding that the Commission will consider awarding this project at its April 12, 2005 commission meeting. FCBA strongly opposes the award to Peter R. Brown Construction, Inc. for the following reasons:

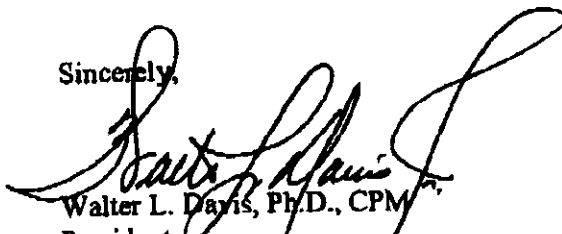
- On or about February 17, 2005, Peter R. Brown Construction, Inc. submitted an application for MBE certification to the City of Tallahassee, which along with Leon County and Leon County Schools make up the Interlocal M/WBE Certification Consortium. The Application for certification was subsequently denied.
- On February 23, 2005, the County conducted an evaluation of the proposals submitted for the Bank of America Building Project. As a result, Peter Brown Construction received zero (0) points for *minority* participation. All others that proposed met or exceeded the MBE goals for the project and were scheduled to appear before the review committee to make oral presentations on March 15, 2005.
- Peter R. Brown Construction, Inc. filed a protest of the bid and was subsequently and unequivocally awarded the full 10 points for MBE status. This was done in spite of the fact that they were denied certification by the local MBE certification consortium. In addition, explicit language in the bid specification clearly stated, "M/WBE firms and subcontractors must be certified by the City of Tallahassee or Leon County to qualify for MWBE participation credit."
- Peter R. Brown Construction, Inc. was then allowed to make its oral presentation to the review committee on March 28, 2005 a full thirteen (13) calendar days and nine (9) working days *after* the other firms appeared, which, in our opinion, provided them an additional unfair advantage, and compromised the integrity and effectiveness of the process.

- Peter Brown Construction has documented in its bid submittal package a bonding capacity of 70 million (single) and in excess of two (2) hundred million, aggregate.
- If Peter R. Brown Construction, Inc. was truly interested in meeting and complying with the County's M/WBE goals and programs, they would have availed themselves of the opportunity to meet the goals through joint venture or subcontractors as all the other vendors in good faith did.

In closing, FCBA believes the awarding of this project to the recommended bidder would be unfair to the many legitimately owned minority businesses that have received M/WBE certification by the County. Furthermore, we feel that awarding this contract to the recommended bidder would be an affront to the majority contractors who participated in the bidding process and followed the rules, policies, practices, procedures, and expectations that govern the procurement process and the M/WBE program. Therefore, we're requesting this Commission to direct staff to look at the process taken which has led to the recommendation of award to Peter R. Brown Construction, Inc. and take steps to correct this injustice and reconsider the recommendation.

Your time and attention to this matter is greatly appreciated. Should you have any questions or need additional information I can be reached at (850) 421-7770

Sincerely,



Walter L. Davis, Ph.D., CPM
President
Florida Construction Business Alliance, Inc.

cc: Leon County Commissioners
Leon County Administrator
Leon County Legal Department
Leon County Purchasing Department
Leon County M/WBE Division
Leon County M/WBE Advisory Committee
Interlocal M/WBE Certification Consortium Members